

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CAPITAL ONE, NATIONAL ASSOCIATION

**NOTICE OF APPEARANCE  
AND WAIVER IN FORECLOSURE**

Plaintiff,

**Civil Case No. 12-1573(DLI)**

-against-

KINPIT ASSOCIATES L.P. f/k/a KINPIT  
ASSOCIATES, APPROVED OIL CO.,  
ADVANTAGE WHOLESALE SUPPLY LLC, et al

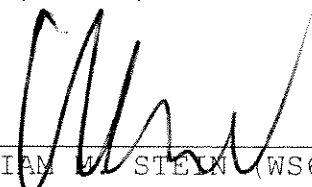
Defendants.

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**SIR:**

**PLEASE TAKE NOTICE**, that the defendant, ADVANTAGE WHOLESALE  
SUPPLY, LLC hereby appears in the above entitled action, and that the  
undersigned has been retained as attorneys for said defendant therein  
and hereby waives service of all papers and of notices of all  
proceedings in said action except notice of sale and notice of  
proceedings to obtain surplus moneys.

DATED: Haverstraw, New York  
May 14, 2012

Yours, etc.,

  
\_\_\_\_\_  
WILLIAM W. STEIN (WS6263)  
STEIN & STEIN, LLP  
Attorneys for Defendant  
ADVANTAGE WHOLESALE SUPPLY, LLC  
One Railroad Square  
Haverstraw, NY 10927  
(845) 429-3900

TO: Thomas P. Battistoni  
Schiff Hardin LLP  
Attorneys for Plaintiff Capital One National Association  
666 Fifth Avenue, 17<sup>th</sup> Floor  
New York, N 10103  
212-753-5000

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CAPITAL ONE, NATIONAL ASSOCIATION

**AFFIDAVIT OF SERVICE**

Plaintiff,

**Civil Case No. 12-1573 (DLI)**

-against-

KINPIT ASSOCIATES L.P. f/k/a KINPIT  
ASSOCIATES, APPROVED OIL CO.,  
ADVANTAGE WHOLESALE SUPPLY LLC, et al

Defendants.

Defendants.

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STATE OF NEW YORK, COUNTY OF ROCKLAND ss:

Ruth Diaz being sworn says: I am not a party to the action, am over 18 years of age and  
reside at Nanuet, New York.

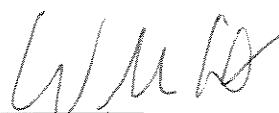
On May 14, 2012, I served a true copy of the annexed **NOTICE OF APPEARANCE AND  
WAIVER IN FORECLOSURE** in the following manner:

XXXXXX by mailing the same in a sealed envelope, with postage  
service prepaid thereon, in a post-office or official depository  
by mail of the U.S. Postal service within the State of New York,  
addressed to the last known address of the addressee(s)

TO: Thomas P. Battistoni  
Schiff Hardin LLP  
Attorneys for Plaintiff Capital One National Association  
666 Fifth Avenue, 17<sup>th</sup> Floor  
New York, N 10103  
212-753-5000

  
RUTH DIAZ

Sworn to before me on May 14, 2012

  
Notary Public

WILLIAM STEIN  
Notary Public, State of New York  
No. 4626151  
Qualified in Rockland County  
Commission Expires November 30, 2014

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